



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,129	05/05/2004	Raymond Heidel	359999.33	7232

7590 02/26/2008
David B. Abel
DLA Piper Rudnick Gray Cary US LLP
Fourth Floor
1999 Avenue of the Stars
Los Angeles, CA 90067

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/26/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10840129	5/5/04	HEIDEL, RAYMOND	359999.33

EXAMINER

JEFFREY A.. SHAPIRO

ART UNIT	PAPER
----------	-------

3653 20080214

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Appeal Brief filed on 10/10/2007 is still defective for the reasons set forth in the Notice of Non-Compliant Appeal Brief of 1/7/08.

In response, the Appellant submitted the Amended Appeal Brief of 1/17/08.

As cited in element #2 of the Notice, the appealed claims are not properly identified. Appellant's Brief at p.3 does not state, i.e., identify, Claims 26-30 as being appealed.

As cited in element #4 of the Notice, the Appellant was informed that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims. In response to the Appellant submitted the Appeal Brief of 1/17/08, which still does not present a concise explanation of the subject matter in the form required. Specifically, Appellant does not cite to the specification by page and line number and does not provide reference numerals (37 CFR 41.37(c)(1)(b)). Appellant merely provides citations to the pre-grant publication, rather than the specification. Therefore, the Appeal Brief of 10/5/07 is defective.

The Notice of Non-Compliant Appeal Brief of 1/7/08 set forth a one month time period for reply. That time period remains. Extensions of time are available (37 CFR 41.37(d)).

/Patrick H. Mackey/
Supervisory Patent Examiner, Art Unit 3653